

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 654 - SB 1135

February 27, 2017

SUMMARY OF BILL: Authorizes any person whose provisional ballot is rejected to appeal the rejection to the State Election Commission within five days of receiving notice that such ballot was rejected.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$14,400

Assumptions:

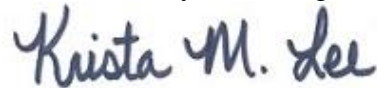
- Under current law, pursuant to Tenn. Code Ann. § 2-7-112(a)(3)(A), any person is entitled to vote by provisional ballot if they claim to be properly registered and eligible to vote, but their name is not present on the precinct's voter roll.
- Pursuant to Tenn. Code Ann. § 2-7-112(e), a person whose name appears on a precinct's voter roll, but the person is unable to provide evidence of identification, the person shall be entitled to vote by provisional ballot.
- Provisional ballots are rejected if it is determined that the person should not have been registered to vote in the precinct where the voter cast the ballot, that the voter has previously voted in a different precinct, or if the voter does not return by the close of business on the second business day after the election with evidence of identification.
- Voters whose provisional ballots are rejected are notified by mail of the rejection and the reason for the rejection, pursuant to Tenn. Code Ann. § 2-7-112(a)(3)(B)(v) and § 2-7-112(e)(8).
- The proposed language would authorize persons whose provisional ballots have been rejected to appeal the rejection to the State Election Commission within five days of receiving notice of the rejection.
- There is currently no method by which a person whose provisional ballot has been rejected may appeal such rejection.
- According to the Department of State (DOS), the State Election Commission would travel to the location where the provisional ballot was rejected in order to determine if the ballot's rejection should be overturned and thus counted in the election.
- Pursuant to Tenn. Code Ann. § 2-11-108(b), members of the State Election Commission are entitled to reimbursement for travel expenses incurred in the performance of their official duties.
- There are seven members of the State Election Commission.

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- According to DOS, total travel reimbursement for State Election Commissioners is estimated to be \$800 per meeting.
- The DOS estimates there are more than 100 provisional ballots rejected in every statewide election.
- At least one voter whose provisional ballot is rejected will appeal to the State Election Commission in each municipal and statewide election.
- There are approximately 18 elections held each year in which a provisional ballot will be appealed.
- The recurring increase in state expenditures for travel reimbursement of State Election Commissioners is estimated to be \$14,400 (\$800 per meeting x 18 meetings).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jrh